



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) Second and Final Account and Report of Conservator; (2) Petition for Allowance of Compensation to Conservator and Attorney [Prob. C. 1860; 2620; 2623; 2630; 2942]

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(1) Second and Final Account and Report of Conservator; (2) Petition for
Allowance of Compensation to Conservator and Attorney [Prob. C. 1860; 2620;
2623' 2630; 2942]

DOD: 04/15/12		PUBLIC GUARDIAN , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 12/03/11 – 04/15/12	
Cont. from		Accounting - \$8,219.67	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$2,828.31	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$2,388.07	
<input type="checkbox"/>	Inventory	Subsequent Account period: 04/16/12 – 07/03/12	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Accounting - \$5,264.92	
<input checked="" type="checkbox"/>	Aff.Mail w/	Beginning POH - \$2,388.07	
<input type="checkbox"/>	Aff.Pub.	Ending POH - \$2,947.92	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	Conservator - \$1,375.60 (8.50 staff hours @ \$76/hr. and 7.60 Deputy hours @ \$96/hr.)	
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp	Attorney - \$729.19 (Per Local Rule)	
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt	Bond Fee - \$25.00 (ok)	
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	2620(c) n/a	Petitioner requests that due to the insufficiency of the estate, a lien be imposed against the estate for any unpaid balance of the authorized fees and commissions. Liens for fees and commissions for the first account exist as follows: \$2,500.00 for the Public Guardian and \$1,700.00 for County Counsel.	
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Petitioner prays for an Order:			
<ol style="list-style-type: none"> 1. Approving, allowing and settling the second and final Account; 2. Authorizing the Conservator and Attorney Fees and commissions; 3. Authorizing payment of the bond fee; and 4. Authorizing petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions. 			

Reviewed by: JF

Reviewed on: 10/11/12

Updates:

Recommendation:

File 3 - Hofeditz

(1) First and Final Account and (2) Report of Conservator, and (3) Petition for Final Distribution (Prob. C. 1860(a), 1861(a)(1)(b), 2620)

DOD: 02/28/12		CAROL LEWIS , Conservator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
		Account period: 04/27/11 – 02/28/12		CONTINUED TO 11/20/12	
		Accounting - \$75,126.41		Per request of counsel	
		Beginning POH - \$70,000.00		CONTINUED FROM 08/29/12	
		Ending POH - \$45,992.01		Minute Order from 08/29/12 states: Counsel requests a continuance to cure the defects. The Court directs counsel to address item #2 in the examiner notes thoroughly. Matter continued to 10/17/12.	
Cont. from 082912		Account period: 02/29/12 – 04/30/12		As of 10/11/12, the following notes have not been addressed and remain:	
	Aff.Sub.Wit.		Accounting - \$45,992.01	1. Schedule C of the Accounting states that \$13,950.14 in attorney's fees and \$460.50 in costs have been paid to Quinlan, Kershaw & Fanucchi. It appears that this payment of fees was made without court order in violation of Probate Code § 2647, which states that no attorney's fees may be paid from the estate of the conservatee without prior court order. Need reference to court order authorizing fees that have been paid.	
✓	Verified		Beginning POH - \$45,992.01	2. No itemization of the fees and costs is provided, therefore, the Court is unable to determine whether the fees and costs are just and reasonable and allowable pursuant to Local Rule 7.16, California Rules of Court § 7.751. Need itemization of fees and costs paid to Quinlan, Kershaw & Fanucchi.	
	Inventory		Ending POH - \$28,356.99	3. The Petition states that Mark Eaton and Victoria Milo, children of the predeceased spouse of the conservatee have executed a Disclaimer of Interest in favor of Carol Lopez and that said Disclaimers will be on file prior to the hearing on this accounting. As of 10/11/12, no Disclaimers have been filed.	
	PTC		Conservator - waived	4. Need original billing statements from residential care facility The Harvest pursuant to Probate Code § 2620(c)(5).	
	Not.Cred.		Attorney - \$13,950.14		
✓	Notice of Hrg		<i>(already paid to Quinlan, Kershaw & Fanucchi per Schedule C of Accounting.</i>		
✓	Aff.Mail	w/	<i>\$8,416.14 for "conservatorship fees for estate work" and \$5,534.00 for "fees and costs, services to conservatorship". No itemization of fees and costs is provided.)</i>		
	Aff.Pub.		Costs - \$460.50		
	Sp.Ntc.		<i>(already reimbursed to Quinlan, Kershaw & Fanucchi per Schedule C of Accounting.</i>		
	Pers.Serv.		<i>Costs are not itemized.)</i>		
	Conf. Screen		Petitioner prays for an Order:		
	Letters		1. Approving, allowing and settling the first and final account;		
	Duties/Supp		2. Terminating the conservatorship and discharging the conservator upon the filing of an Ex Parte Petition for Final Discharge and Order; and		
	Objections		3. Distributing the remaining assets of the conservatorship to the Estate of James R. Eaton, and that the Estate of James R. Eaton immediately pay said funds to Carol Lopez, as the sole surviving heir of the conservatee, pursuant to the Disclaimer of Interest executed by Mark Eaton and Victoria Milo.		
	Video Receipt				
	CI Report				
	2620(c)	x			
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				
			Reviewed by: JF		
			Reviewed on: 10/11/12		
			Updates:		
			Recommendation:		
			File 4 - Eaton		

Atty Kruthers, Heather H., of County Counsel's Office (for Petitioner Public Guardian)

(1) First and Final Account and Report of Conservator; (2) Petition for Allowance of Compensation to Conservator and Her Attorney; (3) and Distribution
[Prob. C. 1860; 2620; 2623; 2630; 2942]

DOD: 10/3/2011		PUBLIC GUARDIAN , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: Proposed order states in Paragraph 1 that the property on hand consists in part of \$300.00 personal property; the account schedules show \$200.00 of personal property was sold by the Conservatee's board and care home. Therefore, proposed order has been altered to reflect the value of the personal property on hand as \$100.00 , as is consistent with the account schedules.
		Account period: 3/3/2011 – 10/3/2012	
		Accounting - \$193,250.72	
		Beginning POH - \$184,293.46	
		Ending POH - \$174,643.87	
Cont. from			
	Aff.Sub.W		
	Verified		
✓	Inventory		
	PTC		
	Not.Cred		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/S		
	Objectn		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Post		
	Stat. Rpt		
	UCCJEA		
	Citation		
	FTB Notc		
		Subsequent Account period: 10/4/2011 – 7/16/2012 Accounting - \$175,678.84 Beginning POH - \$174,643.87 Ending POH - \$173,565.29 (\$1,265.29 is cash)	
		Conservator - \$2,986.48 (19.63 Deputy hours @ \$96/hr and 14.50 Staff hours @ \$76/hr)	
		Attorney - \$2,500.00 (per Local Rule)	
		Bond fee - \$56.32 (o.k.)	
		Costs - \$104.00 (certified copies processing fee)	
		Petitioner states: <ul style="list-style-type: none"> No family members initiated any probate proceedings; therefore, this matter has been referred to the PUBLIC ADMINISTRATOR, who is seeking appointment as administrator of the Decedent's estate with Full IAEA authority [in Case #12CEPR00883, which is set for hearing on 11/8/2012]; After only partial payment of court-ordered fees and commissions, there will be no cash on hand; therefore, Petitioner requests authority to distribute the real and personal property of the estate to the Public Administrator upon his appointment as administrator of the estate of the deceased Conservatee. 	
		Petitioner requests: Due to the insufficiency of cash in the estate to pay commissions and fees, a lien be imposed against the estate for any unpaid balance of authorized fees and commissions.	
		Reviewed by: LEG	
		Reviewed on: 10/11/12	
		Updates:	
		Recommendation: File 5 - Galvan	

Atty Kruthers, Heather H., of County Counsel's Office (for Petitioner Public Guardian)

(1) First and Final Account and Report of Conservator; (2) Petition for Allowance of Compensation to Conservator and her Attorney; and (3) for Authorization to Sell Personal Property and Retain Proceeds
 [Prob. C. 1860; 2620; 2623; 2630; 2631; 2942]

DOD: 6/17/2012	PUBLIC GUARDIAN , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 7/21/2011 – 6/17/2012	
	Accounting - \$10,945.52	
	Beginning POH - \$ 0.00	
	Ending POH - \$ 1,690.02	
Cont. from		
<input type="checkbox"/> Aff.Sub.W		
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/S		
<input type="checkbox"/> Objectn		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Post		
<input type="checkbox"/> Stat. Rpt		
<input type="checkbox"/> UCC/JEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notc		
	<p>Subsequent Account period: 6/18/2012 – 7/24/2012</p> <p>Accounting - \$ 4,240.35</p> <p>Beginning POH - \$ 1,690.02</p> <p>Ending POH - \$ 1,740.35 (\$1,690.35 is cash)</p> <p>Conservator - \$8,907.44 (78.14 Deputy hours @ \$96/hr and 18.50 Staff hours @ \$76/hr; services include travel hours to Chowchilla Convalescent, including transport of Conservatee to and from Chowchilla for evidentiary hearing on initial conservatorship petition; and PG successful efforts in redirecting Conservatee's pension funds.)</p> <p>Attorney - \$2,500.00 (per Local Rule)</p> <p>Bond fee - \$25.00 (o.k.; minimum fee for estate never >\$10k)</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> Conservatee's husband ROY RODRIGUEZ, SR., died during the Conservatorship; Conservatee died intestate, survived by ROY RODRIGUEZ, JR., son, JERRY NELVIN DAVIS, JR., son, and JUANITA RODRIGUEZ, daughter, none of whose whereabouts are known to Petitioner; After only partial payment of court-ordered fees and commissions, there will be no assets remaining to distribute to the Decedent's heirs; Public Guardian has appraised the personal property at \$50.00 [consisting of old TV and two older wheelchairs]. <p>Petitioner requests: Authority to sell the deceased Conservatee's personal property and retain the proceeds as partial payment of fees and commissions, and that due to the insufficiency of the estate, a lien be imposed against the estate for any unpaid balance of authorized fees and commissions.</p>	

Reviewed by: LEG

Reviewed on:
10/11/12

Updates:

Recommendation:

File 6 - Rodriguez